



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 414-99

21 April 1999

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments  
(2) HQMC Memo 1900 RAP-22 of 13 April 1999  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former officer in the United States Marine Corps Reserve filed enclosure (1) with this Board requesting that he be reinstated in the Marine Corps Reserve.

2. The Board, consisting of Mr. Mathews, Mr. Pfeiffer and Ms. Madison, reviewed Petitioner's allegations of error and injustice on 20 April 1999 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner's record was considered by the FY98 Marine Corps Reserve Officer Mobilization Potential Screening Board in September 1998. After review of his record, the board recommended that he be discharged from the Marine Corps Reserve because he possessed no mobilization potential due to his protracted period of inactivity. The recommendation of the board was approved by the Secretary of the Navy and he was discharged on 1 January 1999.

d. The advisory opinion at enclosure (2) states, in part, as follows:

.. In reviewing (his) case our research reveals that at the time his record was evaluated by the FY98 Board, it

was missing important documentation germane to his status in the Marine Corps Reserve. Specifically, (he) was in the process of joining a Mobilization Training Unit (MTU); however, his potential Officer-in-Charge, .... and the Marine Corps Reserve Support command (MCRSC) MTU sponsor ... were unaware of (his) pending Board action, and through a variety of administrative lapses failed to join (him) to the MTU prior to the convening of the Board.

...it is our opinion that (he) believed by participating in an MTU he would satisfy the Marine Corps' participation requirements and not be subject to Board action. However, the combination of the Board not being aware of his efforts and the administrative delay in the processing of his join more than likely contributed to the Board's final recommendation for discharge.

.. Accordingly, it is our belief that (he) was the casualty of an administrative delay through no fault of his own. We recommend that (his) discharge be rescinded and that he be reinstated in the Marine Corps Reserve.

#### CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board believes that Petitioner's discharge would not have been recommended by the mobilization screening board if he had been a member of the MTU. Accordingly, the Board agrees with the recommendation contained in the advisory opinion that Petitioner be reinstated in the Marine Corps Reserve.


#### RECOMMENDATION:

- a. That Petitioner's naval record be corrected wherever necessary to show that he was not discharged on 1 January 1999 but continued to serve without interruption in the Marine Corps Reserve.
- b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.
- c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with this Report of Proceedings, for retention in a confidential file maintained

for such purpose, with no cross reference being made a part of Petitioner's naval record.

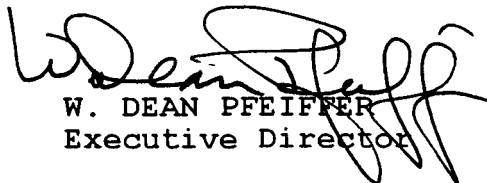
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER  
Executive Director